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FILED
 Clerk
 District Court

JUN 26 2008

For The Northern Mariana Islands
 By _____
 (Deputy Clerk)

Attorneys for the Commonwealth of the Northern Mariana Islands and the Attorney General of the Commonwealth of the Northern Mariana Islands, in his official capacity.

**THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN MARIANA ISLANDS**

MOHAMMED KAMAL HOSSAIN,
Plaintiff,

Civil Action No. 08-0016

v.

**COMMONWEALTH OF THE
 NORTHERN MARIANA ISLANDS and
 MATTHEW GREGORY, in his official
 capacity as Attorney General of the
 Commonwealth of the Northern Mariana
 Islands, and the UNITED STATES OF
 AMERICA,**
Defendants.

**FIRST STIPULATION FOR AN
 EXTENSION OF TIME**

NOW COMES the Plaintiff, Mohammad Kamal Hossain ("Plaintiff"), represented by counsel of record Ed Peterson of Micronesian Legal Services, Corp., and the Defendants, the Commonwealth of the Northern Mariana Islands ("the Commonwealth") and Attorney General Matthew Gregory ("Attorney General"), in his official capacity, by and through Kevin Lynch, Chief Prosecutor of the CNMI Office of Attorney General, and Katie Busenkell, Assistant

1 Attorney General of the CNMI Office of Attorney General, for a Stipulation for an Extension
2 of Time under Local Rule 7.1 (h)(1).

3
4 A. Introduction

5 On June 12, 2008, the Plaintiff served upon the Commonwealth and the Attorney General a
6 complaint and summons for Civil Case 08-0016. In the complaint, the Plaintiff alleges that the
7 Commonwealth, the Attorney General, and the United States violated Plaintiff's rights under
8 the Equal Protection and Due Process Clauses of the Fourteenth Amendment of the
9 Constitution and various international treaties regarding refugee protection, which were
10 incorporated and/or adopted by the Commonwealth and/or the United States. Attached to the
11 complaint was a summons, which expressly stated that the Commonwealth had sixty (60) days
12 to file an answer to the above-mentioned complaint.

13 B. Discussion

14 Under the Federal Rules of Civil Procedure, a defendant is given twenty (20) days to file an
15 answer to a complaint, unless service is waived. Fed. R. Civ. P. 12(a)(1)(A)(i) & (ii). If
16 service is waived, a defendant must file an answer within sixty (60) days of being served. Fed.
17 R. Civ. P. 12(a)(1)(A)(ii). The Commonwealth did not waive service. Thus, under the
18 Federal Rules of Civil Procedure, the Commonwealth is required to file an answer to the
19 complaint within twenty (20) days of service or July 2, 2008. However, the United States, as
20 co-defendant, has sixty (60) days after service is effectuated to answer a complaint. Fed. R.
21 Civ. P. 12(a)(2). To date, the United States has not been formally served with a complaint in
22 this case.

23 A gap of forty (40) days or more between the Defendants' answers could potentially be a
24 costly and inefficient use of time for all parties involved, as well as the Court. Thus, the
25

1 Plaintiff has agreed to grant the Commonwealth and the Attorney General additional time to
2 answer the complaint so that the deadline for the Commonwealth, the Attorney General, and
3 the United States will coincide.

4
5 C. Conclusion

6 In consideration of the above, the Plaintiff, the Commonwealth, and the Attorney General
7 have stipulated to an extension of time that would allow the Commonwealth and the Attorney
8 General additional time to answer the Plaintiff's complaint. This date will coincide with the
9 date by which the United States must answer the Plaintiff's complaint.

10 Respectfully submitted 26th day of June of 2008.
11

12
13 Ed Peterson
14 Ed Peterson (CNMI Bar F-0354)
15 Attorney for Plaintiff Mohammed Kamal Hossain
16 Micronesian Legal Services Corp.

26 June 2008
Date

17 Kevin Lynch
18 Kevin Lynch (CNMI Bar F-0230)
19 Chief Prosecutor
20 Office of the Attorney General

26 June 2008
Date

21
22 Kathleen Busenkell
23 Kathleen Busenkell (CNMI Bar T-0054)
24 Assistant Attorney General
25 Office of the Attorney General

6/26/08
Date